

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

LAWRENCE LA SPINA

PETITIONER

VERSUS

CIVIL ACTION NO. 5:05cv186DCB-JCS

UNITED STATES OF AMERICA,
ALBERTO GONZALES, Attorney General;
and HARLEY LAPPIN, Director of Federal
Bureau of Prisons

RESPONDENTS

FINAL JUDGMENT

This cause is before the court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion issued this day, it is hereby, ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 be dismissed as frivolous, without prejudice and to the extent that the petition can be construed as a § 2255 motion it shall be dismissed for this court's lack of jurisdiction, with prejudice.

SO ORDERED AND ADJUDGED, this the 5th day of January, 2006.

s/David Bramlette
UNITED STATES DISTRICT JUDGE